UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,837	06/05/2001	W. Garland Phillips	PF02193NA	8237

20280 7590 09/20/2005

MOTOROLA INC
600 NORTH US HIGHWAY 45
ROOM AS437
LIBERTYVILLE, IL 60048-5343

EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/874,837	PHILLIPS, W. GARLAND	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

This action is in response to the RCE filed on 7/11/05. Claims 1-14 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,907,677 issued to Glenn et al.(Glenn) in view of US Patent 5,193,151 issued to Jain in further view of US Patent 5,793,365 issued to Tang et al.(Tang).

As per claim 1, Glenn teaches a method of communicating messages with a plurality of client devices that include one or more wireless devices over a communication link, comprising:

At least one wireless device(col.3, line 10), and chat messages(col.3, lines 1-5; it is implicit that there are chat messages since there is a chat server).

Glenn however, does not explicitly teaches determining link latency associated with communicating a message, and adjusting transmission timing of messages to synchronize communication of each chat message to the plurality of client devices.

Jain teaches determining link latency associated with communicating a message(col.2, lines 16-21), and adjusting transmission timing of messages (col.2, lines 25-28; adjust packet rates).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Glenn to explicitly add determining link latency associated with communicating a message, and adjusting transmission timing of messages as taught by Jain in order to decrease the round trip delay(Jain, col.2, line 30).

One skilled in the art would have been motivated to combine Glenn and Jain order to provide a method for congestion avoidance in a packet data communication network (Jain, col.1, lines 6-9).

Glenn in view of Jain does not teach synchronize communication of each chat message to the plurality of client devices.

Tang teaches synchronize communication of each chat message to the plurality of client devices(Fig.5, col.9, lines 22-35; a chat message is sent to multiple people).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of adjusting transmission timing of messages as taught by Glenn in view of Jain for the use of synchronizing communication of each chat message to the plurality of client devices s as taught by Tang in order to provide a method to communicate with multiple people.

One ordinary skilled in the art would have been motivated to combine Glenn, Jain, Tang to provide a method to communicate with multiple people at the same time(Tang, col.9, lines 22-35).

As per claim 8, Glenn teaches a communication system that communicates chat messages with a plurality of client devices wireless device over a communication link, comprising;

a chat server that creates a chat room session for the plurality of client devices(col.2, lines 44-54,col.2, line 1);

a wireless network that communicates messages addressed to at least one wireless device(col.3, line 10).

Glenn, however, does not explicitly teaches wherein the server determines a link latency associated with communicating a message and adjusts transmission timing of messages based on said link latency in order synchronize communication of each chat message to the plurality of client devices.

Jain teaches wherein the server determines a link latency associated with communicating a message(col.2, lines 16-24)and adjusts transmission timing of messages based on said link latency(col.2, lines 25-28).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Glenn to explicitly add wherein the server determines a link latency associated with communicating a message and adjusts transmission timing of messages based on said link latency as taught by Jain in order to decrease the round trip delay(Jain, col.2, line 30).

One skilled in the art would have been motivated to combine Glenn and Jain order to provide a system for congestion avoidance in a packet data communication network (Jain, col.1, lines 6-9).

Glenn in view of Jain does not teach synchronize communication of messages.

Tang teaches synchronize communication of each chat message to the plurality of client devices(Fig.5, col.9, lines 22-35; a chat message is sent to multiple people).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of adjusting transmission timing of messages as taught by Glenn in view of Jain for the use of synchronizing communication of each chat message to the plurality of client devices s as taught by Tang in order to provide a method to communicate with multiple people.

One ordinary skilled in the art would have been motivated to combine Glenn, Jain, Tang to provide a method to communicate with multiple people at the same time(Tang, col.9, lines 22-35).

As per claim 2, 9, wherein the link latency corresponds to a delay associated with communicating a message with at least one wireless device(Jain, col.2,lines 16-21 and Glenn, col.3,line 10). Motivation to combine set forth in claim 1.

As per claim 3, 10, wherein the transmission timing of the chat messages is adjusted by delaying a chat message transmission in accordance with a time reference derived from the link latency(Jain, Fig.5,6, col.2, lines25-28, Glenn, col.3,lines 1-5; Jain teaches adjusting delay of message transmission in accordance with a time reference derived from the link latency, while Glenn teaches chat messages).

As per claim 4, 11, wherein the transmission timing of the chat messages is delayed such that the chat messages arrive at the plurality of client devices within a particular time period(Jain, col.3,lines 35-42).

As per claim 5, 12, wherein the link latency is determined using a low level network protocol(Jain, col.3, lines 33-34).

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,907,677 issued to Glenn et al.(Glenn) in view of US Patent 5,193,151 issued to Jain in further view of US Patent 5,793,365 issued to Tang et al.(Tang) in further view of US Patent 6,587,450 issued to Pasanen.

Glenn in view of Jain in further view of Tang teaches all the limitations of claim 1, and further teaches link latency (Jain, Abstract), and chat messages(Glenn, col.3,lines 1-5) and displaying a chat message originated at the client with slowest latency after a delay that accounts for the delayed link latency(Jain, col.3, lines 35-42, Glenn, col.3, lines 1-5), however does not explicitly teaches as per claim 6, the method of claim 1, further including: informing a client device of a next slowest client device; transmitting a message from the client device with the slowest latency to other client devices with a delayed link latency that is based on the link latency of the next slowest client device.

Pasanen teaches informing a client device of a next slowest client device(col.5, lines 55-57; detecting the status of the device and transmitting the status to the server device is interpreted as informing the client device of a next slowest client); transmitting

a message from the client device to other client devices with a delayed link latency that is based on the link latency of the next slowest client device(col.2,lines 56-63).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Glenn in view of Jain in further view of Tang to explicitly add informing a client device of a next slowest client device; transmitting a message from the client device with the slowest latency to other client devices with a delayed link latency that is based on the link latency of the next slowest client device as taught by Pasanen in order to transfer information between the devices(Pasanen, col.1, lines 5-6).

One skilled in the art would have been motivated to combine Glenn and Jain and Tang and Pasanen order to provide a method to have a local area network with different devices(Pasanen, col.3, lines 3-5).

Claim 13 is rejected based on the same rationale as claim 6(see claim 6 above). Motivation to combine set forth in claim 8.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,907,677 issued to Glenn et al.(Glenn) in view of US Patent 5,193,151 issued to Jain in further view of US Patent 5,793,365 issued to Tang et al.(Tang) in further view of US Patent 5,712,587 issued to Schauder et al.(Schauder).

Glenn in view of Jain in further view of Tang teaches all the limitations of claim1, however does not explicitly teach as per claim 7, the method of claim 1, wherein said latency measurement is repeated over time.

Schauder teaches wherein said latency measurement is repeated over time(col.4, lines 35-40).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Glenn in view of Jain in further view of Tang to explicitly add wherein said latency measurement is repeated over time as taught by Schauder in order to apply delay(Schauder, col.4, lines43-44).

One skilled in the art would have been motivated to combine Glenn and Tang and Jain and Pasanen and Schauder order to provide a method to for devices to operate in unison(Schauder, col.1, lines 24-25).

Claim 14 is rejected based on the same rationale as claim 7(see claim 7 above). Motivation to combine set forth in claim 1.

Response to Arguments

Applicant's arguments with respect to claim 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Backhean Tiv
2151
9/15/05

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER